



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE JUDICIARY COMMITTEE

March 3, 2009

Meg Hooper, Branch Chief, Planning Branch/Office of Vital Records 509-7128

Senate Bill 899 - An Act Implementing the Guarantee of Equal Protection Under the Constitution of the State for Same Sex Couples

The Department of Public Health provides the following information with regard to Senate Bill 899.

The Department would like to bring the following three technical problems to the attention of the Judiciary Committee.

1. Section 4 of the bill allows for parties to a marriage or civil union to legally re-marry without dissolving the first relationship. We recommend that the language be revised, allowing only those couples who are currently in a civil union or other similar relationship, to enter into a marriage. To allow persons already married to remarry serves no state purpose, and will likely lead to duplication of records and administrative burdens. We recommend that the language in subdivision (2) of section 4 of the bill be changed to the following:

"Not a party to another relationship that provides substantially the same rights, benefits and responsibilities as a marriage entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other relationship;"

2. Section 5 of the bill, which amends Connecticut General Statute § 46b-25, should include the applicant's sex as one of the data elements collected for the marriage license.
3. Subsection (b) of section 11 of the bill should be clarified. As it currently reads, it is difficult to decipher whether the effective date of the marriage is the date that the marriage was entered into, or the date of the civil union. We recommend the following language to provide clarification:

"(b) After the celebration of such marriage, the license or notarized affidavit shall be filed with the registrar of vital statistics in accordance with section 46b-34 of the general statutes. As of the date of the marriage, the civil union shall be considered a marriage by operation of law, and the effective date of the marriage shall be the date of the civil union."

Thank you for your consideration of the Department's views on this bill.

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